



Decision Memo

Stewart Fork Project

USDA Forest Service

Ozark-St. Francis National Forests

Sylamore Ranger District

National Forest System lands within T-17N, R-13W, Sections 13, 23, 24 and 25 and T-17N, R-12W Sections 18, 19, 20, 29 and 30, Baxter County, AR

Background

This purpose of the *Stewart Fork Project* is to improve habitat conditions for native species on 2,360 National Forest System (NFS) lands. Fuel loads in the project area are heavy and host material for damaging insects and diseases is abundant within the project area due to down and dead trees, woody debris and trees damaged or stressed by ice accumulation in 2009.

The activities proposed are needed to contribute to meeting Forest-Wide Objectives relevant to habitat management as outlined in the 2005 Revised Ozark-St. Francis National Forests Land and Resource Management Plan (Forest Plan).

Decision

I have decided to approve the Proposed Action which has been designed to comply with the requirements of the Forest Plan as well as all applicable federal, state and local laws. It includes the following activities:

- Prescribed burning on any or all NFS lands within the project area boundary.
 - Burning may be implemented in either the dormant or the growing season in accordance with a prescribed burning plan outlining the parameters for implementation.
 - The perimeter of the burn will be ignited by hand; aerial ignition from helicopters will most likely be utilized on the interior of the treatment unit(s) to facilitate rapid smoke dispersal.
 - Arkansas Forestry Commission Smoke Management Program guidelines (<https://www.agriculture.arkansas.gov/arkansas-voluntary-smoke-management-guidelines>) will be followed.
 - Conditions for burning will include selecting burning parameters that will prevent active-combustion smoke and smoldering-phase smoke from entering project area caves when bats are present.
- Existing roads and natural features form the project area boundaries and will be used as prescribed fire control lines.

- The 40-acre area managed as an Inventoried Roadless Area lacks roads or natural fire breaks; therefore, within this portion of the project area, approximately 0.25 mile of fire containment line will be established by hand.
- Mechanical treatments (shredding, chipping, chainsaw felling) will be done where needed within the project area to modify fuel structure and fire behavior, reduce stand density to improve growing conditions for residual stems, and/or to remove woody stems encroaching on open habitats (e.g. wildlife openings and glades).
 - No mechanical treatments will be implemented within the portion of the project area that is managed as an Inventoried Roadless Area.
- Piled fuels within 25 feet of all identified butternut trees will be raked away, and no butternut trees will be cut.
- The Section 106 process of the National Historic Preservation Act has been completed, and heritage properties to be excluded from the prescribed burn area have been identified.
 - Some heritage properties and their components may remain undetected, even within a surveyed area, for a variety of reasons. Therefore, should any actions inadvertently uncover a previously unrecorded archaeological site or object(s), work will be halted and the appropriate authorities will be notified.
 - Activities at that location will not resume until the resource is adequately protected and agreed-upon mitigations are implemented with State Historic Preservation Officer and Tribal Historic Preservation Officer approvals.

It is my determination that this action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as categorically excluded from documentation in an EA or an EIS under FSH 1909.15, Chapter 30§32.2 (6): *“Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.”* [36 CFR 220.6(e)(6)]

I find that there are no extraordinary circumstances that warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – At this time, there is no designated critical habitat or proposed critical habitat as defined by the Endangered Species Act on the Sylamore Ranger District. There are no species that occur or with potential to occur on the Sylamore Ranger District that are proposed for federal listing.

A Biological Assessment and Evaluation (BA/E) was completed for this project. The BA/E considers the effects of this action on all federally listed [threatened or endangered) and all Regional Forester's (Region 8) sensitive listed species] that are known to occur or have potential to occur on the Ozark-St. Francis National Forests. The BA/E is part of the project record.

Determinations of effect regarding the federally listed species known to occur or with potential to occur on the Sylamore Ranger District are as follows: Indiana bat, "may affect, but is not likely to adversely affect"; and Missouri bladderpod, Hell Creek Cave crayfish, Gray bat and Ozark big-eared bat, "no effect". This project is "likely to adversely affect" the Northern long-eared bat; however, there are no effects beyond those previously disclosed in the programmatic Biological Opinion on implementing the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). The Proposed Action is consistent with the Forest Plan, the the programmatic Biological Opinion and activities that do not require special exemption from taking prohibitions applicable to the Northern long-eared bat. Therefore, the programmatic Biological Opinion satisfies the Forest Service's responsibilities under ESA section 7(a)(2) relative to the Northern long-eared bat for this project.

A letter of concurrence with the findings of the BA/E dated February 21, 2019, was received from the US Fish and Wildlife Service and is part of the project record.

Impact findings for Regional Forester's sensitive listed species known to occur or with potential to occur on the Sylamore Ranger District are as follows: "no impact" to Bald eagle, Henslow's sparrow, Southern cavefish, *Lirceus biduspidus* (an isopod), Ozark least trillium, Southern lady's slipper, and Newton's larkspur; "may impact individuals, but [is] not likely to cause a trend to federal listing or a loss of viability" for Butternut, Ovate leaf catchfly, Nearctic pandnuniellan caddisfly, Ozark spiderwort, Eastern small-footed bat, Tri-colored bat, Monarch butterfly, Ozark chinquapin, Glade larkspur, Church's wildrye, Ovate leaf catchfly, Royal catchfly and Ozark cornsalad.

- Flood plains, wetlands, or municipal watersheds – The project area occurs in the headwaters of the North Sylamore Creek sub-watershed and in the headwaters of Stewart Fork Creek, which is the only named stream in the project area. No wetlands or floodplains were identified within the project area. Much of the area in and around the project is included in the Arkansas Department of Health's Source Water Protection Area for Mountain View Water Works but, due to the anticipated low intensity of prescribed burning, the waterworks will likely see no effect from the burn.

- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None are present.
- Inventoried roadless areas or potential wilderness areas – No portion of the project area is designated as potential or recommended wilderness. Approximately 40 acres of the project area occur within Clifty Canyon Special Interest Area and are being managed as Inventoried Roadless Area. This does not constitute an extraordinary circumstance. Prescribed burning is consistent with the Clifty Canyon Special Interest Area Management Plan, and the project has been designed to avoid ground disturbance and cutting activities within this portion of the project area.
- Research natural areas – None are present.
- American Indians and Alaska Native religious or cultural sites; archaeological sites, or historic properties or areas – The archaeological survey report titled “Cultural Resources Investigations of 2,354 Acres in the Stewart Fork Project Area, Sylamore Ranger District, Ozark-St. Francis National Forest, Baxter County, Arkansas”, (Report number 2019OSFNF02) was submitted to the State Historic Preservation Officer (SHPO) for review and comment. Three heritage properties within the Area of Potential Effect have the potential to be affected by this action. Containment lines will be constructed by hand around these heritage properties to exclude them from the prescribed burn area. A concurrence letter dated September 25, 2019 stating that no known historic properties will be affected by this undertaking was received from the SHPO and is part of the project record.

The management activities of the *Stewart Fork Project* are reasonable, feasible, and consistent with the Ozark-St. Francis National Forests’ Clifty Canyon Special Interest Area Management Plan, as well as with other priorities and objectives of the Forest Plan, that include but are not limited to: improving forest health, enhancing rare and special communities (e.g. glades), and prescribed burning.

Public Involvement

This action was originally listed as a proposal on the Ozark-St. Francis National Forests’ Schedule of Proposed Actions.

On February 13, 2019, scoping letters requesting comment on the *Stewart Fork Project* were mailed to interested and potentially affected parties which included state and federal agencies, local government officials, Native American Tribal leaders with interest in in Baxter County, non-government organizations, adjacent landowners, and individuals who have asked to be notified when specific or any activities are proposed. A scoping letter



was also posted to the Ozark-St. Francis National Forests webpage on that date. A list identifying those to whom letters were mailed is part of the project record.

Responses from two individuals, the Arkansas Department of Heritage and five Tribal government officials commenters on the project were received and reviewed, but no issues that were relevant to implementation of this action as described or that would preclude use of this category of actions were identified. All comments received are documented in the project record.

Findings Required by Other Laws and Regulations

This action does not violate or threaten to violate any applicable federal or state laws or regulations, and it is consistent with the direction, standards and guidelines of the 2005 Ozark-St. Francis National Forests Revised Land and Resource Management Plan as required by the National Forest Management Act.

Administrative Review Opportunities

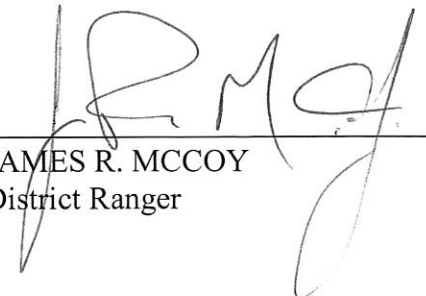
Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (pre-decisional objection process) (Agricultural Act of 2014, Subtitle A, Sec. 8006).

Implementation Date

Implementation of this project is expected to begin in fiscal year 2020.

Contact

For additional information concerning this decision, contact: Jan Franks, District NEPA Coordinator, (870) 269-3228 x 3234.



JAMES R. MCCOY
District Ranger

16-OCT-19

Date

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